GAHC010188302026

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2090/2026

SUMIT KUMAR BORO
SON OF LATE MONUKUMAR BORO, RESIDENT OF KANAKLATA PATH, MALIGAON,JALUKBARI, GUWAHATI WEST,DISTRICT- KAMRUP (M), ASSAM.

VERSUS

THE STATES OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. T SK, S. NARGIZ HAFIZA,MS M MALIK,MR R KARIM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 03.09.2026

Heard Mr. R. Karim, learned Counsel for the petitioner and Mr. B. Sharma, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for pre-arrest bail in connection with Garchuk Police Station Case No. 76/2026 registered under

Sections 120(B)/403/406/420/34 of IPC. The FIR in connection with which the petitioner is apprehending arrest was lodged initially in the State of Meghalaya and that thereafter, it was transferred to the State of Assam and the said FIR was re-lodged before Gorchuk Police Station and the case was registered as Gorchuk P.S. Case No. 76/2026. The contents of the FIR shows that the complainant and the petitioner entered into an agreement for sale of a land and Rs. 6 lakhs was paid by the complainant to the petitioner in consideration thereof as a part payment. However, the complainant stated that the sale deed has been prepared and money was also paid but neither the said sale deed was finally executed nor the money was returned by the petitioner.

3. The learned Counsel for the petitioner submits that there are no ingredients of Section 420 or any other provisions of law. He submits that the contents of the FIR purely shows the dispute of civil nature and he submits that a pleaders notice was also given to the petitioner.

4. Mr. B. Sharma, learned Additional Public Prosecutor for the State, however, submits that it is stated in the FIR that the informant was deceived by deceitful means by the petitioner and that he had committed an offence of criminal breach of trust as well as cheating.

5. Upon considerations of the submissions made by the learned Counsels for the parties and more so in view of the fact that contents of the FIR shows dispute with regard to civil nature, this Court deems it fit to enlarge the petitioner on pre-arrest bail on furnishing of bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of Arresting Authority under the following conditions:

i) the petitioner will appear before the Investigating Officer within a period

of 10 days from the date of the order.

ii) the petitioner will appear before the Investigating Officer thereafter as and when call for.

iii) the petitioner will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iv) the petitioner will not leave the place of jurisdiction without the permission of the Arresting Authority.

6. Petition is disposed of.

JUDGE

Comparing Assistant